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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,247	08/10/2001	Patrick W. Mullen	1571.2020-001	5637

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133

EXAMINER

VARGOT, MATHIEU D

ART UNIT PAPER NUMBER

1732

DATE MAILED: 11/06/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

CLO 11

# Office Action Summary

Application No.

09/928,247

Applicant(s)

MULLEN

Examiner

M. VARGOT

Group Art Unit

1732

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 8/25/03

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-30

is/are pending in the application.

Of the above claim(s) 1-14, 22 + 30

is/are withdrawn from consideration.

☒ Claim(s) 27

is/are allowed.

☒ Claim(s) 15-21, 23-26, 28 + 29

is/are rejected.

☐ Claim(s)

is/are objected to.

☐ Claim(s)

are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 10

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

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1. Claims 28 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

While the change in dependance of claims 28 and 29 is noted, the language "first cured portion" and "second cured portion" remains nevertheless without antecedent basis from claim 23.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by PCT Publication

WO 97/30604 (see Figure 3).

PCT -604 discloses the instant method for continuously forming a pattern in a radiation curable material by providing a blocking pattern (26, 27) between a radiation curable material (21, 23) and a radiation source (31, 32) and curing the material through the pattern to form a pattern in the material as the material passes the radiation source. For claim 16, see page 10, last paragraph; for claim 17, see page 9, last paragraph; for claim 19, see film 26.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 20, 21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Publication WO 97/30604 .

PCT -604 discloses the basic claimed method and apparatus/structure for forming or transferring a pattern to a curable material as set forth in paragraph 2, supra, lacking essentially the aspects of the material being connected to a base film, that the blocking pattern can be removably placed on such base film and that the base film is disposed between the material and the blocking pattern. Note that the applied reference shows a support on which the curable material rests, although such support is subsequently removed upon curing the material. It is submitted that the use of base films as supports is well known in the art and that one of ordinary skill would have modified the method and apparatus of the applied reference by incorporating such a film in lieu of or in addition to support 22 as a permanent support means on which the apertured belt product would be stored and transported. It is also fairly well known to employ radiation transmissive supports or films when curing a liquid material thereon, so that one has flexibility in placing the radiation source either above or below the material. Hence, it is submitted also obvious to have utilized such a support in the process and apparatus of the applied reference for added flexibility. The use of a radiation transmissive support would allow for the pattern to be placed on the support rather than directly against the material, this also preventing contamination of the pattern with the liquid material during the curing.

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. In view of the amendment, new art has been

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applied which more closely discloses the instant claimed invention. Note that claims 15-21 and 23-26 are not directed to forming a prism structure; claim 27, which is, has been allowed. Further, claims 28 and 29 would be allowable pending an obviation of the 112 rejection thereagainst.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is 703 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot

November 3, 2003

*M. Vargot*  
**MATHIEU D. VARGOT**  
**PRIMARY EXAMINER**  
**GROUP 1300**

*11/3/03*